

August 5, 2020

Christopher G. Hanewicz
CHanewicz@perkinscoie.com
D. +1.608.663.7468
F. +1.608.283.4468

Honorable William M. Conley
U.S. District Court
Western District of Wisconsin
120 North Henry Street, Room 320
Madison, WI 53703

Re: *Arandell Corp., et al. v. Xcel Energy, Inc.*
Case No. 3:07-cv-00076-wmc
NewPage Wisconsin System, Inc. v CMS Energy
Case No. 3:09-cv-00240-wmc

Dear Judge Conley:

Plaintiffs and defendant CMS Energy Corporation and its relevant affiliates (collectively, “CMS”) write to update you on the status of class representative Briggs & Stratton’s Chapter 11 bankruptcy proceeding.

As Plaintiffs and CMS indicated in their July 31st letter to this Court, Briggs & Stratton moved the bankruptcy court on July 20th to approve Briggs & Stratton’s participation in the settlement between Plaintiffs and CMS. As expected, there were no objections presented to that motion at the bankruptcy hearing held today, and the bankruptcy court granted Briggs & Stratton’s motion. We expect the bankruptcy court to enter a confirming order on the motion shortly, a copy of which we will provide to this Court.

The relevant bankruptcy rule provides a 14-day period from entry of the bankruptcy court’s order during which a party may seek to appeal that order. While there were no objections to Briggs & Stratton’s motion, and therefore likely no standing for any such appeal, in an abundance of caution Plaintiffs and CMS request that the Court proceed with its Fairness Hearing set for tomorrow but refrain from formal entry of the Final Judgment Order until after the 14-day period has expired.

We appreciate the Court’s understanding of these issues and will provide whatever additional information the Court requests at the Fairness Hearing.

August 5, 2020
Page 2

Very truly yours,

s/ Christopher G. Hanewicz

Christopher G. Hanewicz

cc: Theodore R. Scarborough